

AMENDMENT AND RESPONSE

Page 3

RemarksTelephone Interview

Applicant thanks Examiner Clayton for the courtesy of a telephone interview on October 28, 1999. No agreement was reached.

Rejection of Pending Claims Under 35 U.S.C. § 103

Claims 1-18, and 20 were rejected under 35 USC 103 in view of Lemelson et al. '788.

No second reference was used in this obviousness rejection. Applicant respectfully traverses the single reference rejection under 35 U.S.C. § 103 since not all of the recited features of the claims are found in the single patent. Since all the elements of the claim are not found in the reference, Applicant assumes that the Examiner is taking official notice of the missing elements and functions. Applicant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 706.02(a), Applicant respectfully traverses the assertion of Official Notice and requests that the Examiner cite patents and references in support of his position.

The Lemelson reference teaches a wireless device that can be used in a classroom setting to allow a teacher to obtain real-time feedback from students. This allows the teacher to ascertain if the students comprehend the subject matter taught.

There are numerous differences between the pending invention and the cited reference. Two differences are specifically noted herein. The first is the storage and use of a users age. There is no suggestion or teaching in the cited reference of this element. The Examiner generally states that one of skill in the art would modify the reference to restrict users/ players in order to tailor the game to a users understanding or age. Applicant traverses this rejection. Although, the reference relates to obtaining feedback from a user to determine real-time classroom understanding, there is no suggestion that a student would be prohibited from interacting in class based on their age. There is not suggestion that age would be a factor to be contemplated when reading the cited reference. In fact, if age were an issue with classroom participation, the student would not be allowed to attend the class (determined when registering for a class). There is no suggestion of providing the present invention's limitations in the cited reference without using the present application. As such, Applicant maintains that the Examiner is inappropriately reading the reference with hindsight reconstruction using the present application.

AMENDMENT AND RESPONSE

Page 4

A second distinguishing element of the present invention is the storage of game performance data in the controller. The cited reference is void of any description or suggestion that the user's performance data is transmitted to the controller by the processor. In analogy to the classroom setting described in the reference, there is no suggestion that the processor transmits the performance results of a user's answers to the wireless unit when a series of answers was processed. The controller only "knows" the input answers (control signals) and must rely on the processor to determine performance relative to a game. The cited reference only states that the processor can transmit the questions to the controller for local viewing. The performance after the fact is never provided to the controller. The Examiner did not address this claim limitation in the Final office action, and Applicant maintains that there is no suggestion to one in the art to provide such data in a controller.

Applicant believes that the Examiner is reading the reference to teach any wireless communication from a controller to a processor, and any communication from the processor to the controller. The age data and performance history data stored in the controller are specific types of data that provide function in the game system. The age data and performance history data, therefore, should not be dismissed as "any" interchangeable data regardless of content. The type of data provides patentable differences from the cited reference.

CONCLUSION

Applicant believes the claims are in condition for allowance and requests reconsideration of the application and allowance of the claims. The Examiner is invited to telephone the below-signed attorney at 612-373-6965 to discuss any questions which may remain with respect to the present application.

Respectfully submitted,

Russell D. Slifer
2725 Ewing Ave. S.
Minneapolis, MN 55416
(612) 373-6909

FAX RECEIVED

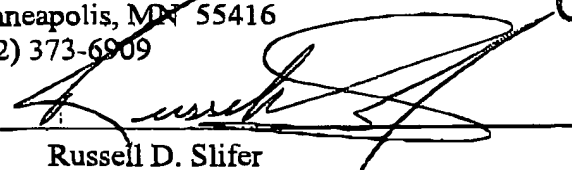
NOV 03 1999

Group 3700

Date

11/2/99

By


Russell D. Slifer
Reg. No. 39,838